

**TITLE 14. Fish and Game Commission**  
**Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 1580, 1581, 1583 and 1907, of the Fish and Game Code, and to implement, interpret or make specific Sections 1526, 1528, 1530, 1580-1585, 1590 and 1591, of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ecological Reserves.

**Informative Digest/Policy Statement Overview**

Currently, there are 123 ecological reserves designated in Section 630, Title 14, CCR for the purpose of protecting sensitive habitats and species. The department is requesting that this section be amended to add eleven new ecological reserves to this listing. The eleven new reserves are:

Ballona Wetlands consisting of 483 acres in Los Angeles County for the protection and enhancement of coastal salt marsh and freshwater marsh habitats, and associated species, including the state listed endangered Belding's savannah sparrow. The area is also an important wildlife movement corridor to other public lands in the vicinity of the wetlands.

Boulder Creek/Rutherford Ranch consisting of 37 acres in San Diego County for the protection and enhancement of oak habitat and associated species.

Burton Mesa consisting of 5,125 acres in Santa Barbara County for the protection of the rare Burton Mesa chaparral and associated sensitive species, including Purisima manzanita, shagbark manzanita, silvery legless lizard and San Diego desert woodrat.

Del Mar Mesa/Lopez Ridge consisting of 92 acres in San Diego County for protection of southern mixed chaparral, chamise chaparral, scrub oak chaparral, Diegan coastal sage scrub, vernal pools and associated species, including Orcutt's brodiaea, San Diego mesa mint, San Diego golden star, San Diego button celery, San Diego horned lizard, mountain lion and southern mule deer.

Lake Hodges consisting of 19 acres in San Diego County for protection of Diegan coastal sage scrub, maritime succulent scrub and associated species, including the California gnatcatcher and the coastal cactus wren.

Meadowbrook Ecological Reserve consisting of 150 acres in San Diego County for the protection of Diegan coastal sage scrub, southern mixed/chamise chaparral and associated species, including the California gnatcatcher and Hermes Copper butterfly.

Owl Creek consisting of 1,219 acres in Humboldt County for protection of old growth and young redwood and Douglas fir forests, and associated species, including the marbled murrelet.

Pilgrim Creek consisting of 121 acres in San Diego County for protection of riparian habitat, coastal sage scrub and associated species, including the California gnatcatcher and the least Bell's vireo.

San Diego River consisting of 31 acres in San Diego County for the protection of riparian scrub and associated species, including the least Bell's vireo.

San Luis Rey River consisting of 11 acres in San Diego County for protection of riparian scrub and associated species, including the least Bell's vireo.

Santa Rosa Plain Vernal Pool consisting of 369 acres in Sonoma County for protection of vernal pools, vernal swales and the endangered species they support, including Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam and California tiger salamander. Four units are proposed for inclusion within

this ecological reserve: Hall Road, Todd Road, Wikiup and Yuba Drive. The Todd Road unit is partly comprised of the existing Laguna de Santa Rosa Ecological Reserve, which is proposed for removal from the ecological reserve list to reduce confusion with Laguna Wildlife Area and to simplify management of the property.

The reasons for listing these properties in Title 14 are to regulate public use and provide the best available protection for the species and habitats the properties were acquired to protect. Since the properties contain sensitive species and important vegetation communities, and may act as linkages for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the department has a set of general regulations which apply to all ecological reserves.

The department may write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The department is requesting special regulations for these reserves based on management information gathered which shows these amendments are necessary to protect the habitat or species the properties support.

A special regulation for Ballona Wetlands Ecological Reserve will prohibit access, except as provided in the general regulations, until a restoration project on the property is completed. This restriction is necessary to protect the sensitive resources during the restoration period.

Two special regulations for Burton Mesa Ecological reserve will restrict motor vehicle use to department authorized and public safety purposes to protect the rare chaparral vegetation community, and allow upland game hunting in areas and at times specified by the department. Since hunting is not normally permitted on ecological reserves, the special regulations are necessary when the department determines this public use is appropriate and will cause no impacts to sensitive species and habitat.

Three special regulations for Santa Rosa Plain Vernal Pool Ecological Reserve will prohibit entry without written permission of the department to protect habitat and species, allow public use of a future trail on the Hall Road Unit under conditions established by the regional manager, allow ecological research and environmental education with written permission from the department and allow livestock grazing for habitat management with written permission of the department.

The department proposes to amend special area regulations for the existing Headwaters Forest Ecological reserve to allow the owner of the property, the Bureau of Land Management, to authorize camping and swimming when needed for research and monitoring purposes; and to authorize use of aircraft and motor vehicles for emergency operations, monitoring, research and other management activities.

The department also proposes to remove from the existing list of ecological reserves the Laguna de Santa Rosa Ecological Reserve and include this property within the Todd Road Unit of the new Santa Rosa Plain Vernal Pool Ecological Reserve. This amendment is proposed to eliminate confusion of this area with the Laguna Wildlife Area and to assist management and public use activities.

Three administrative amendments are proposed to correct a spelling error in a special regulation for Buena Vista Ecological Reserve; to revise a numerical reference in a special regulation for China Point Ecological reserve necessitated by addition of new reserves and renumbering of the ecological reserves list; and to list the counties in which the San Joaquin River Ecological Reserve is located, correcting a prior omission of this information.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at Elk Valley Rancheria, 2500 Howland Hill Road, Crescent City, California on Thursday, June 24, 2004, at 10:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Mono Memorial Hall, 100 Sinclair Street, Bridgeport, California on August 6, 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 30, 2004, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than August 6, 2004 at the hearing in Bridgeport, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Robert R. Treanor, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916)653-4899. Please direct inquiries to Robert R. Treanor or Jon D. Snellstrom at the preceding address or phone number. Kari Lewis, Department of Fish and Game, phone (916) 445-3789, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds eleven ecological reserves to Title 14 with special regulations for three of them, removes one ecological reserve to include it as a unit within a new reserve, amends special regulations for one reserve and corrects errors in text for three reserves. The proposed regulatory action is proposed to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced only on the specific properties named.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None

- (h) Effect on Housing Costs:

None

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: May 11, 2004

Robert R. Treanor  
Executive Director